

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:12 CR 285
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
GREGORY MOTON,)	MEMORANDUM OPINION
)	AND ORDER
Defendant.)	

This matter comes before the Court upon Defendant, Gregory Moton's Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(2) (ECF #1286.) The government filed a Response in Opposition to Mr. Moton's Motion. (ECF #1287). For the reasons set forth below, the Defendant's Motion is hereby, DENIED.

On January 16, 2013, Mr. Moton was sentenced to a term of 66 months imprisonment for one count conspiracy to distribute cocaine and cocaine base (Count 1), to be followed by four years supervision. Mr. Moton now claims his sentence was erroneously calculated and seeks a reduction based on the Fair Sentencing Act of 2010. However, Mr. Moton was sentenced three years after the FSA's enactment and has received the benefit of the reduced statutory penalties applicable to cocaine based offenses. Consequently, Mr. Moton is not eligible for sentence reduction. Furthermore, Mr. Moton has presented no legal or factual basis for which he could

otherwise seek a reduced or modified sentenced. His motion (ECF #1286) is therefore DENIED.

IT IS SO ORDERED.

/s/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: June 24, 2013